

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 177

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2104A, IDAHO CODE, TO REQUIRE THAT COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS BE FORMED, TO PROVIDE REQUIREMENTS FOR ESTABLISHING COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE DUTIES OF THE BOARD OF TRUSTEES FOR ESTABLISHING AND REVISING THE BOUNDARIES OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE DUTIES OF THE COUNTY CLERK FOR COOPERATING IN THE ESTABLISHMENT OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS, TO PROVIDE AUTHORITY TO ESTABLISH MUNICIPAL SUBDISTRICTS IN CERTAIN CIRCUMSTANCES AND TO PROVIDE AUTHORITY TO DEFINE THE BOUNDARIES OF SUCH MUNICIPAL SUBDISTRICTS; AND AMENDING SECTION 33-2106, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE ELECTION OF TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 21, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2104A, Idaho Code, and to read as follows:

33-2104A. FORMATION OF COMMUNITY COLLEGE TRUSTEE SUBDISTRICTS AND MUNICIPAL SUBDISTRICTS. (1) Except as otherwise provided in subsection (2) of this section, community college districts formed before the effective date of this act shall be divided into five (5) trustee subdistricts on or before July 1, 2012, and community college districts formed on or after the effective date of this act shall be divided into five (5) trustee subdistricts immediately upon formation or as soon as practicable. The board of trustees shall establish the boundaries of trustee subdistricts, which shall be as nearly equal in population as practicable, provided that the total population deviation shall not exceed ten percent (10%). The county clerk of the county in which the community college district is situated, or of the home county in the event a community college district is situated within two (2) or more counties, shall cooperate with the board of trustees of the community college district in establishing trustee subdistricts.

(2) A board of trustees may divide a community college district into three (3) trustee subdistricts and one (1) municipal subdistrict if:

(a) Within a city there is a population greater than forty percent (40%) of the total population of the community college district in which such city is located; or

(b) Within two (2) or more cities that are adjoined by a common border there is a combined population greater than forty percent (40%) of the total population of the community college district in which such cities are located, provided that the geographic area used to determine the combined population shall be contiguous.

(3) The boundaries of a municipal subdistrict shall be established by the board of trustees and shall include, at minimum, the geographic area that contains the qualifying population as described in paragraphs (a) and (b) of subsection (2) of this section.

(4) The boundaries of community college trustee subdistricts shall be revised by the board of trustees at least once every ten (10) years following the United States census.

SECTION 2. That Section 33-2106, Idaho Code, be, and the same is hereby amended to read as follows:

33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of trustees of each community college district shall consist of five (5) school electors residing in the district who shall be appointed or elected as herein provided.

(a) Immediately following the establishment of a community college district, the state board of education shall appoint the members of the first board, who shall serve until the election and qualification of their successors.

(b) At the first election of trustees after the creation of a district, five (5) trustees shall be elected: two (2) for terms of two (2) years each, and three (3) for terms of four (4) years each. Thereafter the successors of persons so elected shall be elected for terms of four (4) years.

(c) Excluding any first election of trustees after the creation of a district, at any other election of trustees held in 2008, and in each trustee election thereafter, trustees shall be elected to terms of four (4) years. If more than two (2) trustee positions are eligible for election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2) trustees shall be elected to a term of six (6) years. Thereafter the successors of persons so elected in 2008 shall be elected for terms of four (4) years.

(d) At the election of trustees held in 2012, and in each trustee election thereafter, if a community college district has been divided into five (5) trustee subdistricts, then not more than one (1) of the community college trustees shall be a resident of the same trustee subdistrict, except as otherwise provided in paragraph (f) of this subsection.

(e) At the election of trustees held in 2012, and in each trustee election thereafter, if a community college district has been divided into three (3) trustee subdistricts and one (1) municipal subdistrict pursuant to the provisions of section 33-2104A(2), Idaho Code, then not more than one (1) of the community college trustees shall be a resident of the same trustee subdistrict and two (2) of the community college trustees shall each be a resident of the municipal subdistrict, except as otherwise provided in paragraph (f) of this subsection.

(f) An incumbent trustee serving an unexpired term in 2012 may serve as trustee until his or her term expires. Thereafter, trustees shall be residents of the community college trustee subdistrict or municipal subdistrict as required in paragraphs (d) and (e) of this subsection.

1       (g) All trustees shall be elected at large within the community college  
2       district.

3       (h) The expiration of any term shall be at the regular meeting of the  
4       trustees next following the election for the successor terms.

5       (2) Elections of trustees of community college districts shall be bien-  
6       nially in even-numbered years, and shall be held on a date authorized in sec-  
7       tion 34-106, Idaho Code. Vacancies on the board of trustees shall be filled  
8       by appointment by the remaining members, but if by reason of vacancies there  
9       remains on the board less than a majority of the required number of members,  
10      appointment to fill such vacancies shall be made by the state board of ed-  
11      ucation. Any person so appointed shall serve until the next trustee elec-  
12      tion, at which time his successor shall be elected for the unexpired term.  
13      The trustees shall take and subscribe the oath of office required in the case  
14      of state officers and said oath shall be filed with the secretary of state.

15      (3) Notice of the election, the conduct thereof, the qualification of  
16      electors and the canvass of returns shall be as prescribed in chapter 14, ti-  
17      tle 34, Idaho Code.

18      (4) The person or persons, equal in number to the number of trustees to  
19      be elected for regular or unexpired terms, receiving the largest number of  
20      votes shall be declared elected. An individual shall be a candidate for a  
21      specific position of the board and each candidate must declare which posi-  
22      tion he seeks on the board of trustees. If it be necessary to resolve a tie  
23      between two (2) or more persons, the board of trustees shall determine by  
24      lot which thereof shall be declared elected. The clerk of the board shall  
25      promptly notify any person by mail of his election, enclosing a form of oath  
26      to be subscribed by him as herein provided.

27      (5) When elections held pursuant to this section coincide with other  
28      elections held by the state of Idaho or any subdivision thereof, or any mu-  
29      nicipality or school district, the board of trustees may make agreement with  
30      the body holding such election for joint boards of election and the payment  
31      of fees and expenses of such boards of election on such proportionate basis  
32      as may be agreed upon.

33      (6) At its first meeting following the appointment of the first board of  
34      trustees, and at the first regular meeting following any community college  
35      trustee election, the board shall organize, and shall elect one (1) of its  
36      members chairman, one (1) a vice-chairman; and shall elect a secretary and  
37      a treasurer, who may be members of the board; or one (1) person to serve as  
38      secretary and treasurer, who may be a member of the board.

39      (7) The board shall set a given day of a given week in each month as its  
40      regular meeting time. Three (3) members of the board shall constitute a quo-  
41      rum for the transaction of official business.

42      (8) The authority of trustees of community college districts shall be  
43      limited in the manner prescribed in section 33-507, Idaho Code.